

SUPPLEMENTAL MATERIALS

Committee of Academic and Workforce Success

AGENDA ITEM V-N (4)

Consideration of adopting the Commissioner's recommendation to the Committee relating to the proposed new Chapter 9, Subchapter N, Sections 9.670 – 9.678 of Board rules concerning certain Baccalaureate Degree Programs (Senate Bill 2118, 85th Texas Legislature, Regular Session)

RECOMMENDATION: Approval

Background Information:

The intent of this new Subchapter is to address Senate Bill 2118, 85th Texas Legislature, Regular Session which allows public junior colleges to offer certain baccalaureate degree programs.

Dr. Rex C. Peebles, Assistant Commissioner for Academic Quality and Workforce, will present this item and be available to answer questions.

Date approved by the Commissioner for publication in the *Texas Register*: October 16, 2017.

Date Published in the *Texas Register*: October 27, 2017.

The 30-day comment period with the *Texas Register* ended on: November 27, 2017.

Staff made one change to the proposed rules. Under Section 9.678, the word "junior" was deleted and replaced with "baccalaureate".

Comments were received. After review of the comments additional changes are recommended to the proposed rules. The changes are in bold and italicized.

Comment: A comment was received from the Texas Board of Nursing (BON). BON staff suggested the rules should state that the BON shall approve the proposal for a baccalaureate nursing degree program from a public junior college. We believe this is consistent with the statutory language requiring that the Texas BON standards and criteria be used in the approval process.

Staff Response: Staff agrees with the suggestion and recommend adding Section 9.676(6) that states "the institution must receive program approval from the Texas Board of Nursing".

Comment: Comments were received from Tyler Junior College and Brazosport College expressing concern that since they had previously participated in a pilot project to offer Baccalaureate degree programs the additional approval requirements in SB 2118 did not apply.

Staff Response: Staff disagrees with the comment based on consultation with the Office of General Counsel and clarification from the bill's sponsor regarding legislative intent that the additional approval requirements did apply. **No change to the rule was made.**

Comment: A comment was received from Collin College. It was suggested that the phrase "will be entitled" should to be changed to "will entitle that student" in Section 9.672(1).

Staff Response: Staff agrees with the suggestion and therefore the phrase "will be entitled" has been changed to "will entitle that student" in Section 9.672(1).

Comment: Comments were received from Brazosport College, Collin College, Galveston College, Austin Community College, and Grayson College suggesting that inclusion of the Carl D. Perkins core performance indicators of success as a requirement that must be met before a baccalaureate can be offered at a public junior college lacked clarity and were not the best measure of a successful associate degree program. They suggested other measures of program success should be considered such as licensure success rates, placement rates and follow-on success in more advanced education, and student success and completion. Additionally, Collin College suggested each institution should be allowed to provide the support that best demonstrates the success of its affiliated program.

Staff Response: Staff agrees with the suggestion and therefore the phrase "Carl D. Perkins performance indicators of success" has been changed to "documentation of program success for the underlying associate degree, such as; licensure pass rates, employment placement rates, and completion rates in Section 9.674(3).

Comment: A comment was received from Austin Community College and Collin College stating the statute directs the THECB not to authorize a baccalaureate if articulation agreements are sufficient to meet the workforce need. It does not require two-year institutions to explain why the four-year institution's "existing facilities and resources cannot be expanded to meet the workforce need," as is required in the rule.

Staff Response: Staff disagrees with the comment. Education Code, Section 130.307(c)(4)(A) as added by SB 2118, states "the reason why no articulation agreements have been established". The proposed rule is intended to clarify the current capacity of existing programs and the reason why a new program should be approved. Additionally, a review of existing programs and their ability to meet workforce demand is part of the existing baccalaureate program approval process. Evaluation of the capacity of existing programs to meet workforce demand is foundational to the review process for the approval of new programs. **No change was made to the proposed rule.**

Comment: A comment was received from Austin Community College and Collin College. The comment stated that no pilot program institution currently offers a BSN, but nursing is listed as something for which the pilot program institutions would get general academic teaching institution (GATI) level support. Does this mean the pilot schools get the same level of support

as GATI for the junior-level and senior-level courses in any baccalaureate program going forward, while other institutions do not?

Staff Response: The submission asks a question opposed to a making a comment about the draft rules. The answer to the question is yes. The four public junior colleges previously authorized to offer baccalaureate degrees will receive funding similar to the general academic teaching institutions for junior-level and senior-level courses. All other public junior colleges approved to offer baccalaureate degree programs will receive the same level of funding for junior-level and senior-level courses as they receive for lower level courses. **No change was made to the proposed rule.**

Comment: A comment was received from Collin College suggesting in Section 9.678, as written, toward the end of the first sentence, it appears that the word "college" is missing. As written, the community college degrees are designated "junior degrees."

Staff Response: Staff agrees. The word "junior" was deleted and replaced with "baccalaureate".

Comment: A comment was received from the Texas Tech University System. It was suggested the references to Texas Education Code (TEC), Section 130.0012 in Sections 9.673(c) and 9.677(c), (d) and (f) should be changed because the section was transferred to TEC, 130.303(a). The suggested revision was to reference the definition in Section 9.672(10).

Staff Response: Staff agrees with the comment and recommend the phrase "Texas Education Code Section 130.0012(a)" in Sections 9.673(c) and 9.677(c), (d) and (f) should be changed to "Section 9.672(10) of this Subchapter".

Comment: A comment received from the Texas Tech University System suggested "Local Funds" should be defined in Section 9.672 and that the definition should be consistent with Texas Education Code, Section 51.009(a).

Staff Response: Staff disagrees with the comment. The term "Local Funds" is well understood as one of the primary revenue sources for community colleges. **No change was made to the proposed rule.**

Comment: A comment was received from the Texas Tech University System asking if Texas Administrative Code, Section 5.56 will be repealed after the adoption of these proposed rules.

Staff Response: Staff plan to propose the repeal of these rules to the Board at a future date.

Chapter 9, Program Development in Public Two-Year Colleges
Subchapter N, Baccalaureate Degree Programs

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9.670 Purpose

The purpose of this subchapter is to establish the Coordinating Board's oversight for public junior colleges regarding offering certain baccalaureate degree programs.

9.671 Authority

Authority for this subchapter is provided by Texas Education Code, Section 130.302 and 130.312, which provides the board with the authority to adopt rules to administer and approve certain baccalaureate degree programs at public junior colleges.

9.672 Definitions

The following words and terms, when used in this this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Baccalaureate degree programs--any grouping of subject matter courses consisting of at least 120 semester credit hours which, when satisfactorily completed by a student, will **entitle that student** ~~[be entitled]~~ to a degree from a public junior college, public senior college or university or a medical or dental unit.

(2) Bachelor of Applied Arts and Science (BAAS)--builds on an Associate of Applied Science (AAS) degree, as defined in Section 9.1 of this chapter, relating to definitions, combined with enough additional core curriculum courses and upper level college courses to meet the minimum semester credit hour requirements for a bachelor's degree. The degree program is designed to grow professional management skills of the learner and meet the demand for leadership of highly technical professionals in the workplace. May also be called a Bachelor of Applied Technology (BAT) or Bachelor of Applied Science (BAS).

(3) Carl D. Perkins Career and Technical Act of 2006 (Public Law 109-270, and any successor(s) thereto). The Act requires core indicators of performance for career and technical education students to be developed by each eligible agency in its State plan.

(4) Coordinating Board--the Texas Higher Education Coordinating Board.

(5) External financial governing bodies--The Government Accounting Standards Board, Texas Comptroller of Public Accounts, or similar bodies that direct the structure and process of annual financial reporting. This does not include Boards of Regents or other bodies not having the ability to compel financial reporting changes at all institutions of higher education.

(6) General academic teaching institution--means any college or university as defined in Texas Education Code Section 61.003(3).

(7) Governing board--the body charged with policy direction of any public junior college, including but not limited to boards of directors, boards of regents, boards of trustees, and independent school district boards insofar as they are charged with policy direction of a public junior college.

(8) Institutions of higher education--any college or university as defined in Texas Education Code Section 61.003(8).

(9) Medical and dental unit-- any college or university as defined in Texas Education Code Section 61.003(5).

(10) Pilot project--refers to a public junior college authorized by the Coordinating Board to offer a baccalaureate degree before January 1, 2017.

(11) Positive Assessment of the overall financial health of a district--A score of 2.0 or higher on the composite financial index as produced by the THECB in the annual Community College Financial Condition Report. (As required by the General Appropriations Act, 85th Texas Legislature, Article III Education, Public Community/Junior Colleges, Rider 12 and any successor(s) thereto).

(12) Public Junior College--any junior college as defined in Texas Education Code, Section 61.003(2).

9.673 General Provisions

(a) All baccalaureate degree programs offered at public junior colleges must comply with the provisions of this subchapter.

(b) A public junior college offering a baccalaureate degree program under this subchapter must meet all applicable accreditation requirements of the Southern Association of Colleges and Schools Commission on Colleges of a Level II institution.

(c) A public junior college district offering a baccalaureate degree program may not offer more than three baccalaureate degree programs at any time unless the institution previously participated in a pilot project to offer baccalaureate degree as defined in **Section 9.672(10) of this Subchapter** [~~Texas Education Code Section 130.0012(a)~~] not-withstanding if accredited as a single institution or as separate institutions within a district.

(d) A public junior college may be approved to offer a baccalaureate degree program

under this subchapter only if its junior college district:

(1) has a taxable property valuation of not less than \$6 billion based on the preceding year's calculations as determined by the county's appraisal district. This valuation shall include the valuation of the taxing district as well as any branch campus maintenance tax valuations; and

(2) has received a positive assessment of the overall financial health, as defined in Section 9.672 of this Subchapter, on the most recent Community College Financial Condition Report. If changes to financial reporting, mandated by external financial governing bodies as defined in Section 9.672 of this Subchapter directing financial reporting processes, or other extraordinary factors have a short-term impact to the assessment of the financial health of the institution, the Coordinating Board may, at the Commissioner's discretion:

(A) Use the most recent report not impacted by the mandated changes; or

(B) Calculate the financial health correcting for the mandated changes or extraordinary factors.

(e) Offering a baccalaureate degree program under this subchapter does not otherwise alter the role and mission of a public junior college.

(f) Degree programs offered under this subchapter are subject to the continuing approval of the coordinating board.

9.674 Program Requirements

(a) Must meet the same criteria and standards the coordinating board uses to approve baccalaureate degree programs at general academic teaching institutions and medical and dental units.

(b) Before a baccalaureate degree program can be offered at a public junior college these additional requirements must be met:

(1) workforce need for the degree program must be documented in the region served by the junior college; and

(2) how the degree program would complement the other programs and course offerings of the junior college; and

(3) **documentation of program success for the underlying associate degree, such as: licensure pass rates, employment placement rates, and completion rates** [*Carl D. Perkins Core performance indicators of success*].

(c) Before a public junior college may be authorized to offer a baccalaureate degree program under this subchapter, the public junior college must submit a report to the coordinating board that includes:

(1) a long-term financial plan for receiving accreditation from the Southern Association of Colleges and Schools, Commission on Colleges;

(2) a long-term plan for faculty recruitment that;

- (A) indicates recruitment strategies and the ability to pay the increased salaries of doctoral faculty; and
- (B) ensures the program would not draw faculty employed by a neighboring institution offering a similar program; and
- (3) detailed information on the manner of program and course delivery.

9.675 Required Articulation Agreements

(a) Before a public junior college may offer a baccalaureate degree program, the institution must provide at least three articulation agreements with general academic teaching institutions or medical and dental units that:

- (1) provide detailed information regarding existing course transfer and dual enrollment pathways, detailing the maximum number of students that can be served by the agreements, and
 - (2) explain why existing facilities and resources cannot be expanded to meet workforce need, and
 - (3) documentation that the established articulation agreements are at capacity,
- or
- (4) the reasons why no articulation agreements have been established.

(b) The Coordinating Board may not authorize a public junior college to offer a baccalaureate degree in a field if articulation agreements with general academic teaching institutions or medical and dental units are sufficient to meet the needs of that field.

(c) Each public junior college that offers a baccalaureate degree program under this subchapter must enter into a teach out agreement for the first five years of the program with one or more general academic teaching institutions or medical and dental units to ensure that students enrolled in the degree program have an opportunity to complete the degree if the public junior college ceases to offer the degree program.

(d) The coordinating board may require a general academic teaching institution or medical and dental unit that offers a comparable baccalaureate degree program to enter into an articulation agreement with the public junior college as provided by this subsection.

(e) Each public junior college that offers a program under this subchapter must inform all students who enroll in the program covered by the articulation agreement about the opportunity to complete the degree at a general academic teaching institution or medical and dental unit.

9.676 Special Requirements for Nursing Degree Programs

Before a public junior college may offer a baccalaureate degree program in nursing, the institution must:

- (1) provide evidence to the coordinating board and the Texas Board of Nursing that the public junior college has secured adequate long-term clinical space and documentation from each clinical site provider indicating that the clinical site has not refused a similar request from a general academic teaching institution or medical and dental unit; and
- (2) establish that the corresponding associate degree nursing program offered by

the public junior college has been successful as indicated by job placement rates and licensing exam scores for the previous three years; and

(3) be a bachelor of science degree program that meets the standards and criteria the Texas Board of Nursing uses to approve pre-licensure degree programs at general academic teaching institutions and medical and dental units regardless of whether the program is a pre-licensure or post-licensure program; and

(4) be accredited or seeking accreditation by a national nursing accrediting body recognized by the United States Department of Education; and

(5) A public junior college offering a baccalaureate degree program in the field of nursing under this subchapter must demonstrate to the coordinating board that it will maintain or exceed the 2016-2017 academic year enrollment level of the institution's associate degree nursing program each academic year until the 2021-2022 academic year; ~~and~~ [.]

(6) the institution must receive program approval from the Texas Board of Nursing.

9.677 Funding

(a) Except as provided by Subsection (b) of this section, a degree program created under this subchapter may be funded solely by a public junior college's proportionate share of state appropriations under Section 130.003, local funds, and private sources.

(b) This subchapter does not require the legislature to appropriate state funds to support a degree program created under this subchapter. Nor does this subsection prohibit the legislature from directly appropriating state funds to support junior-level and senior-level courses to which this subsection applies.

(c) The coordinating board shall weigh contact hours attributable to students enrolled in a junior-level or senior-level course offered under this subchapter used to determine a public junior college's proportionate share of state appropriations under Section 130.003 in the same manner as a lower division course in a corresponding field unless the college participated in a pilot project to offer baccalaureate degree programs as defined in **Section 9.672(10) of this Subchapter** [~~Texas Education Code Section 130.0012(a)~~].

(d) Notwithstanding Subsection (c) of this section, in its recommendations to the legislature relating to state funding for public junior colleges, the coordinating board shall recommend that a public junior college that participated in a pilot project to offer baccalaureate degree programs as defined in **Section 9.672(10) of this Subchapter** [~~Texas Education Code Section 130.0012(a)~~] receive substantially the same state support for junior-level and senior-level courses in the fields of applied science, applied technology, dental hygiene, and nursing offered under this subchapter as that provided to a general academic teaching institution for substantially similar courses.

(e) In determining the contact hours attributable to students enrolled in a junior-level or senior-level course in the field of applied science, applied technology, dental hygiene, or nursing offered under this section used to determine a public junior college's proportionate share of state appropriations under Section 130.003, the coordinating board shall weigh those contact hours as necessary to provide the junior college the appropriate level of state support to the extent state funds for those courses are included in the appropriations.

(f) A public junior college may not charge a student enrolled in a baccalaureate degree program offered under this subchapter tuition and fees in an amount that exceeds the amount of tuition and fees charged by the junior college to a similarly situated student who is enrolled in an associate degree program in a corresponding field. This subsection does not apply to tuition and fees charged for a baccalaureate degree program in the field of applied science or applied technology previously offered as part of a pilot project to offer baccalaureate degree programs as defined in ***Section 9.672(10) of this Subchapter*** [~~*Texas Education Code Section 130.0012(a)*~~].

9.678 Reporting

Each public junior college offering a baccalaureate degree program under this subchapter shall conduct a review of each baccalaureate degree program offered and prepare a biennial report on the operation, quality, and effectiveness of the **baccalaureate** [junior] degree programs in a format specified by the board. A copy of the report shall be delivered to the coordinating board by January 1 of each odd numbered year.